



THE DOWNS MALVERN

Policy	SG01-08C	Privacy Policy	
Responsible Member of staff	Anna Spencer		
Responsible Governor			
Approved	August 2022	Next Review Date	August 2023
Last Technical Review	August 2022		

This policy is relevant to all sections of the school, EYFS, Pre-Prep and Prep, including Boarding.

Introduction

The Downs Malvern is a registered charity. The official name is The Downs Malvern College Preparatory School with the registered charity number, 1120616. The Downs Malvern has a strong association with Malvern College. Some of the administrative activities at The Downs Malvern are over seen by the appropriate staff at Malvern College. (eg HR, Finance, Transport, ICT, Domestic services and We take our responsibilities as a data controller seriously and are committed to using the personal data we hold in accordance with the law.

This privacy notice provides detailed information about how we process personal data. Please read it carefully and, if you have questions regarding your personal data or its use, please contact the Headmaster via email, headmaster@thedownsmalvern.org.uk.

Types Of Personal Data We Process

We process personal data about prospective, current and past pupils and their parents; staff, suppliers and contractors; donors, friends and supporters; and other individuals connected to or visiting the School.

The personal data we process takes different forms – it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living individual.

Examples include:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- family details;
- admissions, academic, disciplinary and other education related records, information about special educational needs, references, examination scripts and marks;
- previous education data;

- images, audio and video recordings; and
- financial information (eg for bursary assessment or for fund-raising).

As a school, we need to process special category personal data (eg concerning health, ethnicity, religion or biometric data). We do so in accordance with applicable law (including with respect to safeguarding or employment) or by explicit consent.

Collecting, Handling and Sharing Personal Data

We collect most of the personal data we process directly from the individual concerned (or in the case of pupils, from their parents). In some cases, we collect data from third parties (for example, referees, previous schools, the Disclosure and Barring Service, or professionals or authorities working with the individual) or from publicly available resources.

Personal data held by us is processed by appropriate members of staff for the purposes for which the data was provided. We take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. We will not transfer personal data outside of the European Economic Area unless we are satisfied that the personal data will be afforded an equivalent level of protection.

In the course of school business, we share personal data (including special category personal data where appropriate) with third parties such as the school doctors, the school's professional advisors and relevant authorities (eg the Local Children Safeguarding Board, DBS, NCTL, UK Visas and Immigration, HM Revenue and Customs, Department for Education and Department for Work and Pensions). Some of our systems are provided by third parties, eg hosted databases and the school website. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions.

We share personal data about past pupils with the Downian Society. We do not otherwise share or sell personal data to other organisations for their own purposes.

Purposes For Which We Process Personal Data

We process personal data to support the School's operation as an independent day and boarding school for girls and boys aged 3 – 13, and in particular for:

- The selection and admission of pupils;
- The provision of education to pupils including the administration of the school curriculum and timetable; monitoring pupil progress and educational needs; reporting on the same internally and to parents; administration of pupils' entries to Common Entrance examinations, reporting upon and publishing the results; providing references for pupils (including after a pupil has left);
- The provision of educational support and related services to pupils (and parents) including the maintenance of discipline; administration of sports fixtures and teams, school trips; provision of the school's IT and communications system) all in accordance with our IT policies;
- The safeguarding of pupils' welfare and provision of pastoral care, welfare, health care services by school staff and in boarding houses;
- Compliance with legislation and regulation including the preparation of information for inspections by the Independent Schools Inspectorate, submission of annual census information to each of the Independent Schools Council and Department for Education;
- Operational management including the compilation of pupil records; the administration of invoices, fees and accounts (with the assistance of the Finance Department at Malvern College, our associated senior school); the management of the School's property; the management of security and safety arrangements (including the use of CCTV in accordance with the school's IT and communications systems in accordance with our Acceptable Use Policy); management planning and forecasting; research and statistical analysis; the

administration and implementation of the School's rules and policies for pupils and staff; the maintenance of historic archives and other operational purposes;

- Staff administration including the recruitment of staff/ engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave; review and appraisal of staff performance; conduct of any grievance, capability or disciplinary procedures; and the maintenance of appropriate human resources records for current and former staff; and providing references;
- The promotion of the School through its website, the prospectus and other publications and communications (including through our social media channels); and
- Maintaining relationships with Downians and the wider school community by communicating with the body of current and former pupils and/or their parents or guardians and organising events.

The processing set out above is carried out to fulfil our legal obligations (including those under our parent contract and staff employment contracts). We also expect these purposes to form our legitimate interests.

How Long We Keep Personal Data

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We adopt Records Retention Guidelines which set out the time period for which different categories of data are kept. If you have any specific queries about our record retention periods, or wish to request that your personal data is considered for erasure, please contact the Headmaster.

CCTV Data

The school has a number of CCTV cameras sited around the school. These have been installed to enhance the security of the school site and the school community. The data is recorded and will be kept for one academic term and not reviewed unless such review is required. No review of the CCTV data will take place without the joint consent of the Headmaster and at least one other member of the SMT (the Headmaster, the Deputy Head, the Head of Pre-prep and the Safeguarding Designated Senior Lead) If the Headmaster is absent, the DHM will deputise in this respect.

Your Rights

You have various rights under Data Protection Law to access and understand the personal data we hold about you, and in some cases to ask for it to be erased or amended or for us to stop processing it, but subject to certain exemptions and limitations.

You always have the right to withdraw consent, where given, or otherwise object to receiving generic or fundraising communications. Please be aware however that the school may have another lawful reason to process the personal data in question even without your consent. That reason will usually have been asserted under this Privacy Notice, or may exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods or services).

If you would like to access or amend your personal data, or would like it to be transferred to another person or organisation, or have some other objection to how your personal data is used, please make your request in writing to the Headmaster.

He will respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. We will be better able to respond quickly to smaller, targeted requests for information. If the request is

manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal privilege. We are also not

required to disclose any confidential reference given by the school for the purposes of the education, training or employment of any individual.

Pupil Data

The rights under Data Protection legislation belong to the individual to whom the data relates. However, we will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, we may be under an obligation to maintain confidentiality unless, in our opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in the best interests of the pupil or other pupils, or is required by law.

Change of Details

We try to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Please notify the Headmaster's PA at hmpa@thedownsmalvern.org.uk of any significant changes to important information, such as contact details, held about you.

This Policy

Our privacy notice should be read in conjunction with our other policies and terms and conditions which make reference to personal data, including our Parent Contract, our Safeguarding Policy, Health & Safety Policies, Acceptable Use Policies and IT Policies.

We will update this Privacy Notice from time to time. Any substantial changes that affect how we process your personal data will be notified on our website and to you directly, as far as practicable.

If you believe that we have not complied with this policy or have acted otherwise than in accordance with Data Protection Law, you should notify the Chairman of The Governors in the standard way. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with us before involving them.

Andrew Nuttall
Headmaster
August 2022

Review August 2023